IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.566 OF 2007
WITH
CIVIL APPLICATION NO.1033 OF 2007
IN
SECOND APPEAL NO.566 OF 2007

Hiru Rama Ghag (since deceased)
through LRs. Narayan Hiru
Ghag & Ors. .. Appellants.
Vs.
Gangubai Balaram Chavarkar .. Respondent.

Mr.Dilip Bodake for the appellants.
Ms.Sharvari Shailendra for Mr.P.S.Dani for the respondent.

CORAM : D.B.BHOSALE, JJ.
DATED : 22ND AUGUST, 2007.

P.C.:

. Heard learned counsel for the parties.

2. The defendants have challenged the judgment and order of the first appellate court by which a suit filed by the respondent-plaintiff for declaration that she is the owner of the suit property and for injunction has been decreed. The trial Court had dismissed the suit. Mr.Bodake, learned counsel for the appellants submitted that the findings recorded by the appellate court are perverse and not based on the material on record. I perused the judgment of the appellate court. The appellate court after assessing the evidence of seven witnesses

examined by the plaintiff and four witnesses examined by the defendant coupled with documentary evidence including the record of rights has held that the plaintiff has proved her ownership and the possession over the suit property. It appears that the defendant had examined four witnesses and the courts below have considered their evidence also in proper perspective. I find that the evidence of P.W.2 and P.W.3, the Revenue Officers, so also P.W.4 and P.W.7, who are independent witness, do support the case set up by the plaintiff. The findings recorded by the appellate court are entirely based on the evidence on record. No substantial question of law is either raised or involved in the instant appeal hence the appeal is dismissed. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)